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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,381	01/11/2002	Hiroyuki Nishida	Q68032	5497
7590	06/27/2005		EXAMINER	
SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, NW Washington, DC 20037-3213			WEEKS, GLORIA R	
			ART UNIT	PAPER NUMBER
			3721	
DATE MAILED: 06/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)	
10/042,381	NISHIDA, HIROYUKI	
Examiner	Art Unit	
Gloria R. Weeks	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 01 June 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4 and 17 is/are rejected.  
 7) Claim(s) 5-16 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 11 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 1, 2005 has been entered.

***Claim Rejections - 35 USC § 102***

2. Claims 1-17 are written in "means plus function" form and since they meet the analysis set forth in MPEP 2181, the Examiner assumes that applicant wishes to invoke 35 USC 112, paragraph 6.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Meives et al. (USPN 4,610,125).

Regarding claims 1 and 2, Mieves et al. discloses a sheet package producing system, comprising: cutting and stacking means (8) for forming sheets by cutting continuous sheets (6) at a regular length, and for stacking only the individual sheets (6) in a predetermined number directly on a pallet to form stacked sheets (9); covered sheet stack producing means (29) for folding a protective cover (10) around at least a portion of said stacked sheets (9), to obtain a covered sheet stack (1); and packaging means (18) for packaging the covered sheet stack (1) to obtain the sheet

package (1); wherein the cutting and stacking means (29) producing means includes first handling means (720) for placing the stacked sheets (9) on an upper surface of the protective cover (10), and a folding means (16) for folding the protective cover (10); wherein the cutting and stacking means (8), the covered sheet stack producing means (29) and the packaging means (18) are balanced in line capacity balance relative to one another.

With respect to claim 3, Mieves et al. discloses a sheet package producing system, comprising: cutting and stacking means (8) for forming sheets by cutting continuous sheets (6) at a regular length, and for stacking only the individual sheets (6) in a predetermined number directly on a pallet to form stacked sheets (9); covered sheet stack producing means (29) for folding a protective cover (10) around at least a portion of said stacked sheets (9), to obtain a covered sheet stack (1); and packaging means (18) for packaging the covered sheet stack (1) to obtain the sheet package (1); wherein the cutting and stacking means (29) producing means includes first handling means (72) for placing the stacked sheets (9) on an upper surface of the protective cover (10), and a folding means (16) for folding the protective cover (10); wherein the cutting and stacking means (8), the covered sheet stack producing means (29) and the packaging means (18) are balanced in line capacity balance relative to one another; the protective cover (10) includes transversely extending plural bending lines for defining first, second and third portions, said first portion being positioned on an end face of the stacked sheets, the second and third portions being positioned on upper and lower faces of the stacked sheets (9).

5. Claims 1-4 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Morimoto et al. (USPN 6,612,100).

In reference to claims 1, 2 and 17 Morimoto et al. discloses a sheet package producing system comprising: supply means (rollers shown in figure 2) for feeding a continuous sheet (102);

cutting and stacking means (104, 106A, 106B, 400A, 400B) for stacking only individual sheets (F) in a predetermined number directly on a pallet (12; figure 1); covered sheet stack producing means (200, 300, 500, 600, 800); packaging means (700, 800) including a bag packaging means (700) for packaging the covered stacks (26); a pallet (855) for supporting the sheet stacks (W); wherein the covered sheet stack producing means (200, 300) includes a first handling means (810) for placing the stacked sheets (26) on an upper surface of the protective cover (figure 1); and folding means (492; column 15, lines 55-61) for folding the protective cover.

Regarding claims 3 and 4, Morimoto et al. discloses a sheet package producing system comprising: supply means (rollers shown in figure 2) for feeding a continuous sheet (102); cutting and stacking means (104, 106A, 106B, 400A, 400B) including decurling means (suction apertures) for stacking only individual sheets (F) in a predetermined number directly on a pallet (12; figure 1); covered sheet stack producing means (700) for covering the stacked sheets (26) with a protective cover (28), wherein the protective cover (28) includes transversely extending bending lines (figure 32), for defining first, second and third portions each to be positioned on a face portion of the stacked sheets (26); wherein the covered sheet stack producing means (700) includes a first handling means (600) for placing the stacked sheets (26) on the upper surface of the second portion of the protective cover (28); folding means (492; column 15, lines 55-61) for folding the protective cover.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the

subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being anticipated by Katz et al. (USPN 4,939,888) in view of Loree et al. (USPN 5,878,554).

Regarding claims 1 and 2, Katz et al. discloses a sheet package producing system, comprising: cutting and stacking means (44) for forming sheets by cutting continuous sheets (30) at a regular length, and for stacking only the individual sheets (40) in a predetermined number directly on a pallet (42) to form stacked sheets (46); covered sheet stack producing means (58) for folding a protective cover (envelope) around at least a portion of said stacked sheets (46), to obtain a covered sheet stack (59); wherein the cutting and stacking means (44) producing means includes first handling means (56) for placing the stacked sheets (46) on an upper surface of the protective cover (envelop), and a folding means (174, 175) for folding the protective cover (envelope); wherein the cutting and stacking means (44), the covered sheet stack producing means (58) and the packaging means (18) are balanced in line capacity balance relative to one another.

Katz et al. does not disclose a packaging means. Loree et al. teaches a sheet packaging system comprising a covered sheet stack producing means (18) for folding a protective cover (58) around at least a portion of a stack of sheets (60); and packaging means (84) for packaging the covered sheet stack (70) to obtain a sheet package (94). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the system of Katz et al. to include the packaging means of Loree et al. for the purpose of providing a protective cover for the covered sheet stack, for shipment.

8. Claims 4 are rejected under 35 U.S.C. 103(a) as being anticipated by Meives et al. (USPN 4,610,125) in view of Katz et al. (USPN 4,939,888).

With respect to claims 4, Meives et al. discloses a cutting and stacking means (8), but does not disclose the specific components of the cutting and stacking means (8). Katz et al. teaches that it is known to provide a supply means (20) for feeding the continuous sheet (W); cutter means (38, 48) for cutting the continuous sheet (W) into sheets (40); and stacker means (elements that overlap 40) in a packaging system. It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the system of Meives et al. with the cutting and stacking means of Katz et al for the purpose in order to form and stack the individual sheets.

***Allowable Subject Matter***

9. Claims 5-16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: In light of the amendment filed on June 1, 2005 and further examination of the art of record, it has been decided that the art considered as a whole, alone or in combination, neither anticipates nor renders obvious the claimed sheet package producing system comprising a cutting and stacking means for forming sheets by cutting continuous sheet into individual sheets, and stacking only the individual sheets in a predetermined number on a pallet to form stacked sheets; and cover sheet stack producing means including a first handling means for placing either the second portion of a protective cover or the stacked sheets on an upper surface of a remaining one thereof, and a second handling means for turning over a sheet orientation of the stacked sheets to locate the protective cover under the stacked sheets, and subsequently setting the protective cover and the stacked sheets on a folding means.

The prior art has shown a package producing system having either the first handling means or the second handling means, but no motivation for the combination thereof.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to attachment for notice of references cited and recommended for consideration based on their disclosure of limitations of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R. Weeks whose telephone number is (571) 272-4473. The examiner can normally be reached on 8:30 am - 7:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3700.

Gloria R Weeks  
Examiner  
Art Unit 3721

  
grw  
June 22, 2005



SCOTT A. SMITH  
PRIMARY EXAMINER